IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 5871 of 2007(Y)

PETITIONER:

SHINAJ, S/O.ABOO, AGED 21,
KAPPIL HOUSE, KODAKKAD P.O.,
VIA.MANNARKKAD, PALAKKAD DISTRICT-67.

BY ADV. SRI.V.K.MOHAMMED YOUSUF

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY, GENERAL EDUCATION,
THIRUVANANTHAPURAM.

2. SECRETARY/TREASURER,
WORKING COMMITTEE (KERALA STATE)
NATIONAL FOUNDATION FOR TEACHER'S WELFARE,
THIRUVANANTHAPURAM.

3. CONVENOR, SHISHAK SADAN,
PALAKKAD.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 5871 of 2007

Dated this the 21st day of February, 2007

JUDGMENT

The petitioner states that he was served with Ext.P1 proceedings of the Secretary-cum-Treasurer of the National Foundation for Teachers Welfare posting him as Room Boy with effect from the date of starting the function of the said Foundation, on contract basis, as per the conditions of the bye-laws of Shikshak Sadan. It is contended that Shikshak Sadan commenced functioning only during the last month, and therefore, the petitioner did not get the opportunity to work pursuant to Ext.P1 order passed as early as on 30.11.2005. He apprehends that some other person may be posted overlooking his right to work as Room Boy in Shikshak Sadan.

2. The relief prayed for is the issuance of a writ of mandamus directing the respondents to permit the petitioner to join duty as per Ext.P1, with immediate effect.I do not propose to

grant the above relief. Before approaching this Court praying for a writ of mandamus, the petitioner, as seen from the materials on record, has not approached any of the respondents. If the petitioner has got the right to join duty pursuant to Ext.P1, he should make a request to the concerned authority to allow him to join duty. If the concerned respondent acts in defiance of law or infringes any right guaranteed to the petitioner by law, at that stage, he can seek the appropriate remedy from the appropriate forum. Hence, without prejudice to the right of the petitioner to request the concerned authorities to permit him to join duty pursuant to Ext.P1 and thereafter to seek legal remedies, if need be, this writ petition is disposed of.

K.K.DENESAN, JUDGE

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